



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/670,423

09/26/2003

Akira Yoda

1982-0204P

5746

2292 7590 07/09/2009
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

07/09/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/670,423	YODA, AKIRA	
	Examiner	Art Unit	
	HUY T. NGUYEN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 October 2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2621

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (6307550) in view of Parulski (7057648).

Regarding claims 1 and 11, Chen discloses an image service providing apparatus and a medium (Figs. 1-4, column 1, lines 65 to column 2, lines 55, column 3, lines 35-65) comprising: an input unit for inputting a video image file of video data, the video data representing a plurality of continuous time-sequential still images photographed by a photographing device as frames of a video image, an image service corresponding to processing for at least one of the still images included in the video data, the image service being at least one of forming a still image, recording the video image file, distributing a still image or the video data, or editing the video data; a setting unit for setting a type of the image service the video image file by the input unit; and a processing unit for processing the image service for the video data included in the video image file input by the input unit on the basis of the type of the image service set by the setting unit.

Chen fails to specifically teach using attendant data representing imaging data service and a control means for setting the type of an image data service based on the attendant data.

Art Unit: 2621

Parulski teaches using attendant information (utilization information) with still image data and a control means for setting a type of the image data services based on the attendant data (column 3, lines 30 to column 4, line 55).

It would have been obvious to one of ordinary skill in the art to modify Chen with Parulski by providing the still image data of Chen and the apparatus of Chen with attendant information and a control unit as taught by Parulski for providing the attendant data corresponding to the still image data service of the apparatus of Chen and for controlling processing the still image data based on the attendant data thereby enhancing the capacity of the image processing service providing apparatus of Chen in processing the still image data.

Regarding claim 12, Chen as modified with Parulski teaches the attendant data designates a range of frames of the video data corresponding to the at least one still image to be processed (Chen column 4, lines 10-30).

Regarding claim 13, Chen as modified with Parulski teaches the attendant data designates a range of frames of the video data corresponding to the at least one still image to be processed (Chen, column 4, lines 25-30).

Regarding claim 14, Chen as modified with Parulski teaches the attendant data further comprises data representing an image service to be processed on the range of frames of the video data designated by the attendant data, and data representing an image service to be processed on a still image corresponding to a specific frame of the video data (Chen column 4, lines 30-45).

Art Unit: 2621

Regarding claim 15, Chen as modified with Parulski teaches the attendant data further comprises data representing an image service to be processed on the range of frames of the video data designated by the attendant data, and data representing an image service to be processed on a still image corresponding to a specific frame of the video data (See Chen, column 4, lines 25-30).

Regarding claim 16, Chen as modified with Parulski teaches the image service providing apparatus of claim 14, wherein the processing unit processes the image service on the range of frames of the video data designated by the attendant data, and processes the image service on the still image corresponding to a specific frame of the video data (Chen column 4, lines 40-60).

Regarding claim 17, Chen as modified with Parulski teaches the attendant data enables the image service providing apparatus to processes the image service on the range of frames of the video data designated by the attendant data, and processes the image service on the still image corresponding to a specific frame of the video data (Chen column 4, line 25-30).

4. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Parulski as applied to claim 1 above , further in view of Schuetzle (6,762,791).

Regarding claim 2, Chen as modified with Parulski does not teach the attendant data including the photographing condition of the photographing device at the time when the video data is obtained.

Schuetzle discloses an image service providing apparatus (column 4, lines 25-57, column 5, column 9, lines 30-45, Fig. 1) having means for generating photographing conditions of the photographing device at a time when the video data is obtained (column 6, lines 45-55).

It would have been obvious to one of ordinary skill in the art to modify Chen as modified with Parulski and Schuetzle by providing the apparatus of Parulski with a condition generating means as taught by Schuetzle in order to improve the quality of the images.

Regarding claim 3, Chen as modified with Parulski and Schuetzle further teaches the photographing conditions are common to the entire video image file (See Schuetzle, column 5, lines 35-48, column 6, and lines 13-25).

Regarding claim 4, Chen as modified with Parulski and Schuetzle further teaches photograph conditions differs from still images (Schuetzle, column 5, lines 40-48).

Regarding claim 5, Chen as modified with Parulski and Schuetzle further the attendant data includes a concealed condition for setting the video data to make it possible to process the video data (Schuetzle column 4, lines 25-40, column 9, and lines 30-45).

Regarding claim 6, Chen as modified with Parulski and Schuetzle discloses the processing unit includes an image forming unit for forming a still image on a recording material (Schuetzle, column 7, lines 40-65).

Regarding claim 7, Chen as modified with Parulski and Schuetzle teaches the processing unit includes an image recording unit for recording the video image file on a recording medium (Schuetzle , column 6, lines 55-65, column 7, lines 15-25 and 40-65).

Regarding claim 8, Chen as modified with Parulski and Schuetzle further teaches the processing unit includes an image distribution unit for distributing a still image to another apparatus (Schuetzle , column 7, lines 15-50).

Regarding claim 9, Chen as modified with Parulski and Schuetzle teaches the processing unit includes a video editing unit for editing the video data, and processes the edited video data edited by the video editing unit as the video data. (column 9, lines 25-65).

Regarding claim 10, Chen as modified with Parulski and Schuetzle further teaches the processing unit includes an attendant data editing unit for editing the attendant data, and uses the edited attendant data edited by the attendant data editing unit as the attendant data (Schuetzle , column 5,lines 40-48).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/
Primary Examiner, Art Unit 2621